

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

CORRECTED

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
APRIL 26, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:09 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., and Paul J. Escobar. Late arrivals: Vivian Rojas, at 9:46 a.m., and Anthony W. Cobos at 9:12 a.m. Absent: None. The invocation was given by Reverend Robert D. Hooks, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. *Teacher Appreciation Week*
2. *Dia de Los Ninos/Dia de Los Libros Day*
3. *Earth Day*

RECOGNITION

PRESENTATION OF CONQUISTADOR AWARD TO JOHN SCAGNO

Ms. Joyce Wilson, City Manager, noted for the record that it was staff's understanding, the City of El Paso's Dia de Los Niños/Dia de Los Libros Celebration is the largest event planned in the nation this year.

NO ACTION WAS TAKEN regarding the following item: Failure to be represented by local organizations in a consumer complaint issue, constitutes a possible violation of ethics. [Sylvia Santos]

Ms. Sylvia Santos, citizen, commented.

Mayor Joe Wardy commented.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Lozano was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to recess the City Council meeting to discuss the Mass Transit Department Board Agenda at 9:35 a.m.

Representative Rojas was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Escobar to reconvene the City Council meeting following the Mass Transit Department Board meeting at 9:40 a.m.

Representative Rojas was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 19, 2005.

Representative Lozano was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the prohibition against landing aircraft within the City limits except upon regularly established airfield or landing place contained in Section 14.12.080 of the El Paso Municipal Code is hereby waived to permit the Department of Homeland Security Customs and Border Protection, U.S. Border Patrol Air and Marine Operations, to land a UH-1H Huey Helicopter on the Customs Department parking lot located near the Bridge of the Americas in connection with educational and public relations event to be held on April 26, 2005.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 30th day of November, 2004, after due notice and hearing, ordered JOSE M. ESCOBAR, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

A portion of Lot 3 and all of Lot 4, Block 6, Stiles Gardens, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 3, Page 9, Plat Records of El Paso County, Texas, municipally known and numbered as 7204 ½ North Loop Drive, El Paso, Texas,

to be \$1,585.25, performed by the Street Department of the City of El Paso, \$834.10 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$2,419.35. The City Council finds that the work was completed on the 24th day of February, 2005, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of TWO THOUSAND FOUR HUNDRED NINETEEN and 35/XX DOLLARS (\$2,419.35) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and EDUARDO & MARGARITA MENDOZA for the purchase of a portion (100.1 square feet) of Lot 8-A, Replat of Childs Subdivision, El Paso, El Paso County, Texas, for the Dorbandt Circle Street & Drainage Improvement Project.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for service to the Plaza Theatre, 125 Pioneer Plaza, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. Three 1500 KVA transformers will be installed to service the electrical load.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Third Amendment to an Agreement for Architectural Services by and between the CITY OF EL PASO and MARTINEZ & JOHNSON ARCHITECTURE, P.C., for a project known as "Plaza Theatre and Centre Annex Renovation" in an amount not to exceed THIRTY-FOUR THOUSAND EIGHTY and NO/100 DOLLARS (\$34,080.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **ECM INTERNATIONAL, INC.**, for a project known as "**Golf Course at EPIA**" in an amount not to exceed ONE HUNDRED FIFTY-EIGHT THOUSAND TWO HUNDRED SEVENTY-SEVEN and NO/100 DOLLARS (\$158,277.00).

Mr. Richard Schechter, citizen, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Rick Conner, City Engineer

Mayor Joe Wardy and Representative Cook commented.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor authorize the City Manager to sign a Joint Resolution between the PSB to the transfer of property and property jurisdiction to the City of El Paso known as all of Block B, Santa Fe Addition to the City of El Paso and a portion of Lot 12, Block "D", Santa Fe Addition, City of El Paso, El Paso County, Texas for the purpose of Chihuahueta Neighborhood Association use as a community garden.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company on Lot 1, Block 29, Vista Del Sol Unit 3, El Paso, Texas to provide electrical service to Vista Del Sol Park.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City accepts the dedication of a Street Right-of Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described in the attached deed from Frontera Vista L.P., a Texas Limited Partnership.

1. As consideration for this dedication and as the express finding and agreement of Frontera and the City, this Right of Way shall be used by the City together with a portion of Duckett Road for the purpose of constructing a local (non-arterial) street extending Gomez Road from Upper Valley Road east to the entrance to Valley Creek Park (the "Park Road"), in accordance with the terms and conditions of the Gomez Road Extension Developer Agreement entered into between the City of El Paso and Frontera Vista L.P. Frontera Vista L.P. agrees to improve the dedicated Right-of-Way in accordance with the terms and conditions of the Gomez Road Extension Developer Agreement.
2. The metes and bounds area dedicated herein shall be used in conjunction with a pre-existing unimproved 40-foot right of way extension of Gomez/Duckett Road east of Upper Valley Road (the "pre-existing right-of-way"); provided, however, that as consideration for and in connection with this dedication, the City shall vacate any pre-existing right-of-way to the extent it is not needed for the Park Road and such vacation shall be by way of subdivision plat when filed by Frontera or, if earlier, by metes and bounds filed by the City, at no cost to Frontera for such vacation.

***RESOLUTION**

WHEREAS, the City of El Paso has acquired a 37-acre parcel off of Upper Valley Road to develop a regional park (the Park), and Frontera owns 118 acres contiguous to the Park (the Frontera Property); and

WHEREAS, The City is currently completing improvements to the Park; and

WHEREAS, The Park is to the east of the Nemexas Drain and the Schulte Lateral (the Crossings) of the El Paso County Water Improvement District No. 1 (the District) and improvements are needed to these crossings (the Crossing Improvements) in order to access the Park; and

WHEREAS, The City planned to access the Park by improving 40-feet of right-of-way (the existing extension of Gomez Road) that is currently unpaved. Since inception of the City's construction of the Park the District has removed the bridge crossing over the Nemexas Drain so there is no access to the Park from Upper Valley Road; and

WHEREAS, Frontera also needs to access the Frontera Property by crossing over the Nemexas Drain. The District may grant a permanent right to cross the Nemexas Drain to the City, but will not grant such permanent right to Frontera; and

WHEREAS, The City desires to have a road constructed from the intersection of Upper Valley Road to the Park, all within the right-of-way design for the extension of Gomez Road; and

WHEREAS, it has been decided that the original Gomez Road extension agreement that this agreement amends provided for a right-of-way width which is in excess of what is necessary for the Park and the abutting Frontera land; and

WHEREAS, This Agreement will allow improvement of the Crossings and Park Road in a more timely and cost-efficient manner that benefits both the City and Frontera;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the City Manager be authorized to sign an amendment to the Developer Agreement originally entered into between Frontera Vista L.P. and the City of El Paso on August 26, 2003 for the construction of certain roadway and crossing improvements in the vicinity of the Gomez Road area, such amended agreement attached hereto as exhibit "A". This developer agreement, as amended, is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

A. Custodial Workers (2)
Fund Source: 62620005-40101-62010

B. Transit Information Clerk (1)
Fund Source: 60600001-40345-60000

C. Police Trainees (25)

Fund Source: 21010052-01101-21000

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

A. Secretary II (1)

Fund Source: 75%-71150047-10039-71000-G7130CD0002-501000
 12.5 %-71150005-05176-71000-G710RSSTAT-501000
 12.5%-71150005-05172-71000-G7105FGFEDR-501000

B. Court Liaison Supervisor (1)

Fund Source: 21010069-01101-21000

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **RE-APPOINT** David A. Palmer to the Ethics Review Commission by Representative Presi Ortega, Jr., District 5.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **RE-APPOINT** Ali Boureslan to the Civil Service Commission by Representative Presi Ortega, Jr., District 5.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **RE-APPOINT** Maria Picard-Ami to the Fair Housing Task Force by Representative Vivian Rojas, District 7.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **RE-APPOINT** Lance E. Ruck to the Civil Service Commission, reappointment effective date 05/06/05, by Mayor Pro Tempore Anthony W. Cobos, District 8.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Dr. Roger Ortiz, DDS, to the El Paso City-County Board of Health by Mayor Joe Wardy. (nominated by El Paso Dental District Society)

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Dr. Luis Acosta, MD, to the El Paso City-County Board of Health by Mayor Joe Wardy. (nominated by El Paso County Medical Society)

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Ben Arriola to the El Paso City-County Board of Health by Mayor Joe Wardy.
(nominated by Restaurant Association)

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Lawrence Giron MA, RN, to the El Paso City-County Board of Health by Mayor Joe Wardy.
(nominated by Texas Nurses Association)

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Representative Susan Austin to the El Paso City-County Board of Health by Mayor Joe Wardy.
(nominated by the City of El Paso)

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Henry Ng to the Building Board of Appeals by Mayor Joe Wardy.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Shari S. Schwartz to the History Museum Board by Representative Susan Austin, District 1.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Tim Gray to the Building Board of Appeals by Representative Susan Austin, District 1.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** the board appointment of Daniel De La Haye to the Historic Landmark Commission by Representative Robert A. Cushing, Jr., District 2.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Kenneth Gezelius to the Civil Service Commission by Representative John F. Cook, District 4.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** H. Thomas Prestidge to the Building Board of Appeals by Representative John F. Cook, District 4.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Seam Chow to the Building Board of Appeals, as an alternate appointee, by Representative John F. Cook, District 4.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Rudy C. Villalobos to the Community Development Steering Committee by Representative Presi Ortega, Jr., District 5.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Sal Soto, Jr. to the Building Board of Appeals, as an alternate appointee, by Representative Presi Ortega, Jr., District 5.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Norma Cervantes to the Fair Housing Task Force by Representative Presi Ortega, Jr., District 5.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** C. Larry Trejo to the Building and Standards Commission by Representative Presi Ortega, Jr., District 5.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Seth Guido to the Building Board of Appeals by Representative Paul J. Escobar, District 6.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Joe Balderrama to the Building Board of Appeals, as an alternate appointee, by Representative Paul J. Escobar, District 6.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Blanca Dominguez to the International Bridge Commission by Representative Paul J. Escobar, District 6.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Michael Bray to the Building and Standards Commission by Representative Paul J. Escobar, District 6.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Roman Bustillos to the Building and Standards Commission by Representative Paul J. Escobar, District 6.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light at the following location:

Across from 8691 Independence Dr., by the crosswalk Cost \$949
Account No. 504420, Dept ID No. 01153008, Fund No. 16506

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried that the tax refunds listed below be **APPROVED**:

Representative Lozano was not present for the vote.

- A. Sierra Title Company in the amount of \$3,519.76 overpayment of 2004 taxes.
(PID #C815-999-0010-4400)
- B. Wells Fargo Real Estate Tax Services in the amount of \$4,020.60 overpayment of 2004 taxes.
(PID #F609-999-0020-0700)
- C. Debora & Robert Moore in the amount of \$13,892.15 overpayment of 2004 taxes.
(PID #M480-999-0010-0400)
- D. First American Real Estate Tax Service in the amount of \$2,889.17 overpayment of 2004 taxes.
(PID #P863-999-0320-2700)
- E. Wells Fargo Real Estate Tax Services in the amount of \$3,049.05 overpayment of 2004 taxes.
(PID #T213-999-0020-1400)
- F. Southwest Charter Lines, Inc. in the amount of \$10,154.22 overpayment of 2004 taxes.
(PID #V893-999-113A-8100)
- G. Data Trace in the amount of \$3,313.45 overpayment of 2002 & 2003 taxes.
(PID #V893-999-2150-2300)

NOTE: Language was revised.

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*Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** the request to allocate \$3,000.00 from District #8 discretionary funds for the purchase of a water meter for the "Chihuahueta Community Garden" that will be built on the land that was transferred over to the City of El Paso by the Public Service Board on April 13, 2005.
ID#01153012, Acct# 504420, Project# PD80429, Fund#16508, Class#01001

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request for Council to declare Tennant Company as sole source for "Tennant Warranty Maintenance & Support", including emergency warranty parts support and to authorize the Director of Purchasing to issue purchase orders as the need arises to Tennant Company, until such time that Tennant Company is no longer the sole source.

Tennant Company is the sole manufacturer of Tennant, Nobles and Castex products and they are the only source that can provide factory warranties for these products, and that can provide factory level warranty maintenance. The City of El Paso owns Tennant Company street sweepers, including runway sweepers, and requires warranty maintenance and parts support for this equipment. This equipment is essential for the safe operation of the El Paso International Airport. To keep the equipment operational, they must be on a routine preventive maintenance program.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manager execute any additional documents and/or agreements as necessary. Funds for this expenditure shall be made available through various City funding sources.

Department: Department of Aviation
 Funds Available: 62620003-503121
 Funding Source: Airport Operating Fund
 Amount: \$100,000 (annual estimate)

Representative Lozano was not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** Change Order No. One (Construction Change) to Golf Works, Inc., for Contract No. 2005-050, El Paso International Airport Golf Course project, for an increased amount of \$37,717.00. The purpose of this change order is as follows:

To provide for 8" water line, from PSB main line, to fill lakes of golf course.

Provision of water line into lakes was not part of the original plans and specifications. This work must now be added in order to complete the construction of the lakes, which are part of the irrigation system. This work is vital in order to meet the contract deadlines for grassing of the golf course by August 31, 2005.

Representative Lozano was not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-098 Portable Cardiac Monitor/Defibrillator

Award to:	Medtronics Emergency Response Systems	
	Redmond, WA	
Item (s):	Part One	
Item O1	Portable Cardiac Monitor/Defibrillator	
	13 each @\$23,966.68	
Amount:		\$311,566.84
Item O2	Less Trade-In Allowance for	
	13 each @ \$4,000.00, Zoll M Series	
	Cardiac Monitor/Defibrillators	-52,000.00
	Net Cost	\$259,566.84

Department: El Paso Fire Department
 Funds available: 04250201-508007-27203-PMB0002130 (\$ 47,699.00)
 04252003-508012-27260-PMB0004130 (\$113,867.84)
 04102008-508010-27131-P540008 (\$100,000.00)
 04250203-508012-27251-PMB0003130 (\$ 50,000.00)
 Funding source: FY2001 Certificates of Obligation for City Equipment
 FY2003 Certificates of Obligation for City Equipment
 FY1998 Certificates of Obligation for City Equipment
 FY2002 Certificates of Obligation for City Equipment
 Total award: \$311,566.84

The Fire and Purchasing Departments recommend award to Medtronics Emergency Response Systems, as indicated, as this vendor has provided the Best Value Bid. Three lower bids were received but did not meet specifications as noted in the Fire Department's recommendation memo.

This is a best value single (one-time) purchase, to purchase Portable Cardiac Monitor/Defibrillators as required by the El Paso Fire Department. There are options to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within thirty (30) days, sixty (60) days, ninety (90) days, one-hundred and twenty (120) days, and one-hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

Representative Lozano was not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-144 Library Furniture

Award to: El Paso Automated Office & Industrial Systems, Inc.
 El Paso, Texas
 Item (s): Group I, excluding Item 10
 Group III, excluding Items 8, 10, and 11
 Amount: \$233,648.61
 Department: El Paso Library
 Funds available: 72509501-508009-51004
 Funding source: FY2000 Main Library TIF Fund
 Total award: \$233,648.61

The Library and Purchasing Departments recommend award to El Paso Automated Office & Industrial Systems Inc. as indicated, as this vendor has provided the Best Value Bid. This vendor is also the sole responsive offer received for Groups I and III. Two offers were received for Group II, both offers were deemed non-responsive as noted in the backup. Request that council reject all offers for Group I item 10, Group III items 8, 10, 11, and Group II in it's entirety. Group II will be re-bid at a later date.

This is a best value single (one-time) procurement, to purchase Library Furniture for the main library required by the El Paso Library Department. An option is offered to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) days from the contract award date. No prompt payment discount is offered.

Representative Lozano was not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-137 Airway Pump Station Generator Addition

Contractor:	Mesa Electrical Contractors, Inc. El Paso, Texas
Department:	Streets
Funds Available:	14200402-PBE04FC101-29111-508027
Funding Source:	2004 Bond Issue
Items:	Base Bid \$106,000.00 Alternate 1 \$ 18,000.00
Total Award:	\$124,000.00

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to Mesa Electrical Contractors, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **AWARD** Request For Proposal Solicitation No. 2005-080R Professional Planning Services for the Development of a Comprehensive Park, Recreation and Open Space Master Plan

Award to:	Halff Associates Austin, Texas
Amount:	\$200,000.00 (not to exceed)
Department:	Parks & Recreation
Funds available:	51010279/16301/P500201/502115
Funding source:	Administrative/Shelters User Fees
Total award:	\$200,000.00 (not to exceed)

The Evaluation Committee met and reviewed the proposals that were received. It is the recommendation of the Committee to award the RFP to Halff Associates. Their proposal addressed the scope and intent of the RFP and was the highest ranked.

Request authorization for Staff to negotiate, City Attorney to review, and the City Manager to execute any related contract documents and agreements as necessary during the contract.

It is also requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Representative Lozano was not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **AWARD** Request For Proposal Solicitation No. 2005-112R Professional Services for the El Paso Museum of History

Award to: Storyline Studio
Bothell, WA
Amount: \$304,000.00 (not to exceed)

Department: El Paso Museum of History
Funds available: 31250204-508016-60502-PHI05001
Funding source: History Museum Exhibit Area
Total award: \$304,000.00 (not to exceed)

The Evaluation Committee met and reviewed the proposals that were received. It is the recommendation of the Committee to award the RFP to Storyline Studio. Their proposal addressed the scope and intent of the RFP and was the highest ranked.

Request authorization for Staff to negotiate, City Attorney to review, and the City Manager to execute any related contract documents and agreements as necessary during the contract.

It is also requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Representative Lozano was not present for the vote.

Mr. Richard Schechter, citizen, commented.

Ms. Joyce Wilson, City Manager, commented.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-118 Proprietary Parts & Service, Tennant

Award to: Vendor 1: FMH Material Handling
El Paso, TX
Item (s): 1A & 2B
Amount: \$120,000.00 (estimated annually)

Award to: Vendor 2: ODB
Richmond, VA
Item (s): 1B
Amount: \$10,000.00 (estimated annually)

Department: Department of Aviation
Funds available: 62620003-503121
Funding source: Airport Operating Funds
Total award: \$260,000.00 (estimated)

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a Twenty-Four (24) month requirements-type Contract for Proprietary Parts & Service, Tennant for the El Paso International Airport. The Contract will officially begin at 12:01 a.m., May 4, 2005.

Vendor-1 does not offer the option of extending the term of the contract. Vendor-2 offers the City the option of extending the term of the contract for Twelve (12) additional months at the same unit prices, if the option

is exercised within one (1) year from the date of award of the contract. Vendor-1 and Vendor-2 do not offer a prompt payment discount.

Representative Lozano was not present for the vote.

NOTE: Language was revised.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-136 Wood Chipper

Award to: Poston Equipment Sales, Inc.
Pearland, Texas

Item (s): 1 - (Alternate Bid #2)
(18" Wood Chipper @ \$37,966.00)

Options: O2, O3, O4A, O4B, and O6 @ \$2,911.00

Amount: \$40,877.00

Department: Solid Waste Management

Funds available: 34150062-508056-07122-G340501

Funding source: Grant Funding (Texas Commission on Environmental Quality)

Total award: \$40,877.00

The Solid Waste and Purchasing Departments recommend award to Poston Equipment Sales, Inc. as indicated, to be the lowest responsive offer, by definition meeting specifications. One lower bid was received but did not meet specifications as noted in the department recommendation memo.

This is a fixed-price, single (one-time) procurement, to purchase a Wood Chipper required by the Solid Waste Management Department. An option is offered to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the contract award date. Prompt payment discounts offered are 1% if paid within 10 days and .05% if paid within 20 days of acceptance.

Representative Lozano was not present for the vote.

NOTE: Language under "Options" was revised.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-143 Gas Monitors

Award to: Hagemeyer North America
El Paso, Texas

Item (s): All

Amount: \$29,987.00

Department: El Paso Fire Department

Funds available: 22150024-508007-07164-G220405

Funding source: Homeland Security Grant

Total award: \$29,987.00

The Fire and Purchasing Departments recommend award as indicated as this vendor has provided the low responsive bid meeting specifications. Two lower bids were received, but deem non-responsive as outlined in the backup.

This is a fixed-price, single (one-time) purchase, to purchase nine (9) Gas Monitors and related accessories. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-145 Tracked Excavator

Award to:	Tom Growney Equipment, Inc.	
	El Paso, TX	
Item (s):	Alternate Bid 1A	
Item 1:	Tracked Excavator	\$259,500.00
Item 2:	5 Year Repair Expenses	+ 42,731.00 (Not to Exceed)
Amount:		\$302,231.00
Item 3:	Guaranteed Repurchase Price	-100,000.00
		\$202,231.00 (Total Cost)

Department:	Solid Waste Management	
Funds available:	508006-34340200-40415	(\$259,500.00)
Funds available:	502300-34010296-40403	(\$ 42,731.00)
Funding source:	FY2004 Solid Waste Management Equipment	
Funding source:	FY2005-FY2009 Solid Waste Management Operating Funds	
Total award:	\$302,231.00	

The Fleet Services, Solid Waste Management, and Purchasing Departments recommend award as vendor has offered the lowest responsive total cost bid.

This is a fixed-price, single (one-time) purchase, to purchase a Tracked Excavator. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-156 Herbicides and Other Agents

Award to:	Vendor 1:	Helena Chemical Co.
		College Station, TX
Item (s):		2, 3, 5, 6, 7 and 8
Amount:		\$122,889.60

Award to:	Vendor 2:	Helena Chemical Co. Mesquite, NM
Item (s):		1 and 9
Amount:		\$5,800.00
Department:		Department of Aviation
Funds available:		62620003-503121-40101
Funding source:		Airport Operating Funds
Total award:		\$128,689.60

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidders meeting specifications.

This is a fixed-price, single (one-time) purchase for Herbicides and other Agents, for the Department of Aviation. Furthermore, it is requested to reject all bids submitted for item 4 and to re-bid with revised specifications as requested by the Department of Aviation.

Vendor-1 and Vendor-2 offered the option of purchasing up to one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised within ten (10) months from the date of award of the contract. Vendor-1 and Vendor-2 do not offer a prompt payment discount.

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-171 Firefighting Chemicals

Award to:	Vendor 1:	Chemguard Mansfield, TX
Item (s):		1-4 & 6-9 Option 1A & 2A
Amount:		\$31,762.40 (estimated yearly)
Award to:	Vendor 2:	Verde Environmental, Inc. Houston, TX
Item (s):		5
Amount:		\$7,155.00 (estimated yearly)
Total amount:		\$38,917.40 (estimated yearly)
Department:		El Paso Fire Department
Funds available:		22010100-01101-503112
Funding source:		Operating Account, Emergency Operations Clinical/Medical Supplies
Total award:		\$77,834.80

Fire Department and Purchasing recommend awards as indicated as these vendor's are the responsible and responsive bidders meeting specifications.

This is a twenty-four (24) month contract with the option offered to extend the term of the contract for a one (1) additional year. Additionally, Chemguard and Verde Environmental, Inc. offer a 2%-10 Day prompt payment discount.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-178 Trailer, Belly Dump, Tri-Axle

Award to: Truck Enterprises, Inc.
El Paso, TX
Item (s): 1
Amount: \$29,950.00

Department: Department of Aviation
Funds available: 62620020-508029-41022-P500004
Funding source: Airport Capital Funds
Total award: \$29,950.00

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the sole responsive offer that was received.

This is a fixed-price, single (one-time) purchase for "Trailer, Belly Dump, Tri-Axle", for the Department of Aviation.

Vendor did not offer the option of purchasing additional quantities. Vendor did not offer a prompt payment discount.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-182 Plumbing Services

Award to: Perfect Plumbing
El Paso, Texas
Item (s): #1, #2, & #3
Amount: \$100,000.00 (estimated annually)

Department: Building Maintenance
Funds available: 31010326-502226-01101
Funding source: Building Maintenance General Operating Funds
Total award: \$300,000.00 (estimated)

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
AWARD Bid Solicitation No. 2005-168 Irwin Lambka Park Improvements

Contractor: Accent Landscaping & Sprinklers, Inc.
El Paso, Texas

Department: Parks and Recreation
Funds Available: 14101001-PQLPA122-60122-508027
Funding Source: 2000 Quality of Life Bonds
Items: Base Bid I \$163,975.00
Alternate #1 \$ 3,975.00
Alternate #2 \$ 11,793.00
Total Award: \$179,743.00

RECOMMENDATION:

The Department of Parks and Recreation, and Project Manager, Perspectiva3/DI, recommend the award of this contract to Accent Landscaping & Sprinklers, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
APPROVE budget transfer BT2005-951 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$24,132.50 to the Wenda Way Street and Drainage project. Funding source is reimbursed expenditures from EPWU.

Increase	\$24,132.50	to	31255008/PBE04ST14127695/405067	ReimbExpend
Increase	\$24,132.50	to	31255008/PBE04ST14127695/508027	Construction

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
APPROVE budget transfer BT2005-955 PARKS AND RECREATION

This budget transfer establishes the appropriation for Acosta Sports to host the 2005 Hispanic World Softball Tournament. This event will be funded with team registrations and other income, and will be held September 16-19, 2005.

Increase	\$20,000	to	51510099/P50024916337/404301	Event Fees
Increase	\$ 3,000	to	51510099/P50024916337/404306	Sales to Pub
Increase	\$32,000	to	51510099/P50024916337/404307	SportLeagFee
Increase	\$ 2,200	to	51510099/P50024916337/405060	Donations
Increase	\$11,000	to	51510099/P50024916337/405069	Vend/Conces
Increase	\$ 6,000	to	51510099/P50024916337/501002	Overtime
Increase	\$ 4,000	to	51510099/P50024916337/502116	PromoSup

Increase	\$12,000	to	51510099/P50024916337/522211	RecCnts
Increase	\$ 4,000	to	51510099/P50024916337/502212	Security
Increase	\$22,000	to	51510099/P50024916337/503113	LandMntSup
Increase	\$ 1,500	to	51510099/P50024916337/502411	LeasesNOC
Increase	\$ 1,000	to	51510099/P50024916337/503100	OfficeSup
Increase	\$ 4,100	to	51510099/P50024916337/503115	Food&Bev
Increase	\$ 5,000	to	51510099/P50024916337/503116	RecSup
Increase	\$ 600	to	51510099/P50024916337/503120	Uniforms
Increase	\$ 1,000	to	51510099/P50024916337/504201	EmplyeeTrvl
Increase	\$ 2,000	to	51510099/P50024916337/504414	ProflLicenses
Increase	\$ 5,000	to	51510099/P50024916337/502209	PrtgSrvCnts

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
APPROVE budget transfer BT2005-960 PARKS AND RECREATION

This budget transfer requests a new appropriation to replace the scoreboards in the Armijo Recreation Center gym. The existing scoreboards are beyond repair. Money is available in Armijo's Fund balance.

Increase	\$9,000	to	51510065/P50020716307/407002	EstRev
Increase	\$9,000	to	51510065/P50020716307/508009	Furn & Fixt

Representative Lozano was not present for the vote.

.....
 *Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to
APPROVE budget transfer BT2005-964 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$45,000 from an unallocated capital project to the 2004 Bond Election project called Airway Pump Station to fund construction. Funding source is 1987A GOs.

Decrease	\$45,000	from	31115108/P59999926061/504405	Contingency
Increase	\$45,000	to	31115108/PBE04FC10126061/508027	Construction

Representative Lozano was not present for the vote.

.....
 *Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to
APPROVE budget transfer BT2005-967 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$81,000 from an unallocated capital project to the 2004 Bond Election project called Cedar Grove Phase 11-12. Funding source is 1987A GOs.

Decrease	\$81,000	from	31115108/P59999926061/504405	Contingency
Increase	\$81,000	to	31115108/PBE04ST10626061/508027	Construction

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** budget transfer BT2005-969 COMMUNITY AND HUMAN DEVELOPMENT

To transfer funds from the CD 30th Year Contingency account to the Coalition Capacity Building Project II, a 28th Yr (2002-2003) CDBG project to facilitate a 3-month contract extension (3rd amendment) to access federal funds for Homeless programs.

Decrease	\$17,493	from	71150069/G7129CD000107747/508027	Construction
Increase	\$17,493	to	71150069/G7128CD000607665/505209	Sngl LnltmPrj
Decrease	\$17,493	from	71150069/G7129CD000107747/406000	FedGrtProc
Increase	\$17,493	to	71150069/G7128CD000607665/406000	FedGrtProc

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of AIDS Project El Paso to hold a run / walk on May 7, 2005 from 8:00 a.m. to 9:00 a.m. Route: Start at the corner of Cincinnati and Stanton to Kansas, turn right on Kansas to Rim, turn left on Rim to Robinson, turn left on Robinson to Piedmont, turn right on Piedmont to La Cruz, turn left on La Cruz and proceed to O'Keefe, turn left on O'Keefe to McKelligon, turn left on McKelligon to Stanton, turn right on Stanton and finish at Cincinnati. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 microphone and 2 speakers). PERMIT # 05-033 [Tony Munoz]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Our Lady of Guadalupe Church to hold a pilgrimage on May 29, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at the corner of Alabama and Nashville, proceed on Nashville to Elm, turn left on Elm to Mobile, turn left on Mobile and finish at Our Lady of Guadalupe Church. Approximately 300 persons will take part. PERMIT # 05-034 [Eva Aguilar]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Sageland Elementary School to block off Santa Monica between Venado and La Paz on April 29, 2005 from 10:30 a.m. to 1:00 p.m. for a block party. Approximately 500 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." This request includes permission to use amplification (1 microphone and 2 speakers). PERMIT # 05-036 [Sylvia I Berry]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded Representative Lozano and unanimously carried to **APPROVE** the request of San Ignacio De Loyola Church to hold a walk on May 21, 2005 from 10:30 a.m. to 12:30 p.m. Route: Start at San Ignacio Church to Park St, turn left on Park St to Seventh St, turn right on Seventh St to Mesa St, turn right on Mesa St to Overland St, turn right on Overland St to Kansas St, turn right on Kansas St to Fr Rahm, turn left on Fr Rahm to St Vrain, turn left on St Vrain to Delta St and finish at San Ignacio Church. Approximately 1,000 persons, 60 vehicles, 30 animals, 3 floats will take part and 5,000 spectators are anticipated. This request includes permission to use amplification (8 boom boxes, 2 speakers and 2 microphones). PERMIT # 05-037 [Efren Pablo Fernandez]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Linda Rangel to block off Lake Nemi between Trawood and Beach Front on

May 7, 2005 from 7:00 p.m. to 1:00 a.m. for a block party. Approximately 120 persons will take part and 200 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices" This request includes permission to use amplification (1 microphone, 2 speakers and 1 amp). PERMIT # 05-038 [Linda Rangel]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Virginia Marquez to block off Roxbury between River Bend and Frontera on April 30, 2005 from 3:00 p.m. to 7:00 p.m. for a block party. Approximately 30 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". Permit # 05-042 [Virginia Marquez]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Parks & Recreation to hold a walk on April 30, 2005 from 9:30 a.m. to 11:30 a.m. Route: Start at Fox Plaza parking lot on Paisano, proceed on Paisano to Washington St, turn right on Washington St and finish at Washington Park. Approximately 500 persons and 15 vehicles will take part. This request includes permission to use amplification (1 p.a. system, 4 speakers, 30 amps and 4 microphones). PERMIT # 05-039 [Joe Castro]

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Downtown Sports Bar & Grill to use amplification (4 speakers and 2 amps) on April 30, 2005 from 3:00 p.m. to 2:00 a.m. Approximately 25 persons will take part and 2500 spectators are anticipated. PERMIT # 05-046 [Rico Velazquez]

Representative Lozano was not present for the vote.

.....
Motion made by Representative Ortega, seconded by Representative Rojas and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Lozano and Escobar were not present for the vote.

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to add a subsection identifying the speed limit as thirty-five miles per hour on Loma Verde Drive between Pine Springs Drive and Rojas Drive. The penalty as provided in Section 12.84.010 of The El Paso Municipal Code.
- B. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from May 11, 2005 through July 3, 2005. (SP-05007)

PUBLIC HEARING WILL BE HELD ON MAY 10, 2005 FOR ITEMS A – B

- C. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.04.270 (Special Permits for planned residential developments-minimum site area). The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.
- D. An Ordinance changing the zoning of Parcel 1: All of Tract 9B and a portion of Tracts 6 and 10A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential) and imposing certain conditions; and Parcel 2: A portion of Tracts 9F and 10A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mountain Vista Realty, Inc. ZON05-00006
- E. An Ordinance changing the zoning of a portion of Tracts 1D, 2D, 3D, and 4D, First Supplemental Map of Parkland Addition and a portion of Lot 1, Block 1, Golberg and Lehman, El Paso, El Paso County, Texas from A-O/sc (Apartment/Office/special contract), C-1/sc (Commercial/special contract), and C-4/sc (Commercial /special contract) to R-5/sc (Residential/special contract). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: G & L Joint Venture. ZON05-00014
- F. An Ordinance changing the zoning of a portion of Lot 1A, Block 4, Falcon Hills Unit One Replat B, El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) to A-O/sc (Apartment/Office/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Davis Street Corporation. ZON05-00017
- G. An Ordinance granting Special Permit No. ZON05-00021, to allow for a planned residential development on Tract 1C1 and a portion of Tract 1D1, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: View Point Acreage, LLC.

PUBLIC HEARINGS WILL BE HELD ON MAY 17, 2005 FOR ITEMS C – G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
 The following Items were discussed together: The request of Rio Bravo Healthy Communities Council to hold a march on April 27, 2005 from 12:00 p.m. to 3:30 p.m. Route: Start at the corner of Florence and Seventh St, proceed on Seventh to Stanton, turn left on Stanton to the Bridge of the Americas, turn back around on Stanton to Father Rahm, turn right on Father Rahm to Florence and finish at Armijo Park. Approximately 120 persons will take part. This request includes permission to use amplification (1 microphone, 1 amplifier – 120 watts and 2 speakers – 60 watt), as amended. Permit #05-032 [Isabel Olague]

and

Discussion and action on a Resolution that the City Manager be authorized to execute an agreement between the City of El Paso and Rio Bravo Healthy Communities Council for a march on April 27, 2005, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will make available the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed \$1,111.00, for the event.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE**, as amended, the request of Rio Bravo Healthy Communities Council to hold a march on April 27, 2005 from 12:00 p.m. to 3:30 p.m. Route: Start at the corner of Florence and Seventh St, proceed on Seventh to Stanton, turn left on Stanton to the Bridge of the Americas, turn back around on Stanton to Father Rahm, turn right on Father Rahm to Florence and finish at Armijo Park. Approximately 120 persons will take part. This request includes permission to use amplification (1 microphone, 1 amplifier – 120 watts and 2 speakers – 60 watt), as amended. Permit #05-032 [Isabel Olague]

NOTE: Language on request was revised to delete the following: "Request waiver of fees for processing the application (\$15.75) and for the necessary police traffic assistance. Signed affidavit submitted."

The following City staff members commented:

1. Ms. Lisa A. Elizondo, City Attorney
2. Ms. Joyce Wilson, City Manager
3. Mr. Alan Shubert, Director of Building Permits and Inspections
4. Mr. John Nance, Assistant City Attorney

Mr. Clark Peters, President of Rio Bravo Healthy Community Council, invited the Council Members to attend the April 27, 2005, Rio Bravo Healthy Communities Council event.

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the amendment to the request as read into the record by Assistant City Attorney John Nance.

2ND AND FINAL MOTION:

Motion made by Representative Lozano, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

.....
NO ACTION WAS TAKEN regarding the following item: Discussion and action to direct the City Manager to have staff 1) Investigate the feasibility of granting an extended lease to the Manhattan Heights Neighborhood Association for the Garden Center located at Memorial Park, and 2) If such is feasible, to enter into required negotiations and execute the necessary documents to allow the issuance of the extended lease.

Representative Cushing commented.

Ms. Lupe Cuellar, Assistant City Attorney, commented.

.....
Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the Discussion and Action regarding the Texas Department of Housing and Community Affairs compliance with state regulations to grant funding to the Cedar Oak Townhomes Development located at 1480 Cedar Oak Dr.

Representative Lozano was not present for the vote.

Mayor Joe Wardy and Representatives Rojas, Cobos, Escobar, Ortega, Austin and Cushing commented.

The following City staff members commented:

1. Ms. Lisa A. Elizondo, City Attorney
2. Mr. Alan Shubert, Director of Building Permits and Inspections
3. Ms. Joyce Wilson, City Manager

The following members of the public commented:

1. Ms. Laura Rivera
2. Mr. James Camacho, President of the Las Palmas Neighborhood Association
3. Mr. Art Rivera
4. Mr. Charlie Wakeem, President of the Coronado Neighborhood Association
5. Mr. Hector Herrera stated for the record that he was opposed to the project.
6. Mr. Mike Amaya
7. Mr. Al Cardenas
8. Mr. Larry Romero stated for the record he was not in support of this development.
9. Mr. Ernest Alvillar

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to **DIRECT** the City Attorney's Office to look at all legal options to stop this project and **REPORT BACK TO COUNCIL IN ONE (1) WEEK.**

NOTE: Item was discussed in executive session.

.....
R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to execute an agreement between the City of El Paso and Rio Bravo Healthy Communities Council for a march on April 27, 2005, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will make available the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed \$1,111.00, for the event.

Motion made by Representative Lozano, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

See discussion on page 23.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **DELETE** the discussion and action on the following item:

This Agreement is entered into by and between The City of El Paso, a municipal corporation organized and existing under the laws of the State of Texas, hereinafter referred to as the "City", and Rio Bravo Healthy Communities Council, a coalition of seven member organizations from El Paso, Texas; Southern New Mexico, and Cd. Juarez, Chihuahua, hereinafter referred to as "Contractor".

Representative Lozano was not present for the vote.
.....

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Consultant Services Agreement by and between the **CITY OF EL PASO** and **AMEC EARTH & ENVIRONMENTAL, INC.**, for environmental engineering services for a period of two (2) years in an amount not to exceed FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00).

The following City staff members commented:

1. Mr. Rick Conner, City Engineer
2. Ms. Joyce Wilson, City Manager
3. Ms. Lisa Elizondo, City Attorney
4. Ms. Lisa Hayes, Assistant City Attorney

Mayor Joe Wardy and Representatives Cushing, Austin, Cook, Cobos, and Ortega commented:

Mr. Jamie Barnes, AMEC Earth & Environmental, commented.

1ST MOTION:

Representative Cushing moved to reject until changes referenced in City Engineer's email have been implemented. Representative Cobos seconded.

No vote was taken.

Representative Cobos withdrew his second to the previous motion; however, requested that the amount of the Consultant Services Agreement be reduced to \$500,000.00, as recommended by staff.

2ND MOTION:

Motion made by Representative Cook to approve the above Resolution as amended by staff.

The motion died due to lack of a second.

3RD MOTION:

Motion made by Representative Austin, seconded by Representative Cook and carried to approve the above Resolution as presented on the agenda.

AYES: Representatives Austin, Cook and Rojas

NAYS: Representatives Cushing, Lozano, Ortega, Escobar and Cobos

The Motion failed.

4TH AND FINAL MOTION:

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution based on the recommendation of staff, amending the amount not to exceed \$500,000.00.

.....

Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-106 6 Person Tilt Cab Aerial Apparatus

Award to: First In, Inc.
El Paso, Texas
Item (s): #1B
Delete Options: All except 1-16, 105, 107, 129, 139, and 140
Amount: \$699,688.00

Department: El Paso Fire Department
Funds available: 04252003-508029-508007-27260-PMB0004130
Funding source: FY2003 Capital Equipment
Total award: \$699,688.00

The Fire, Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor is also the low responsible and responsive bidder.

This is a fixed-price, single (one-time) purchase, to purchase one (1) 6 Person Tilt Cab Aerial Apparatus. There is an option from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within three hundred and sixty-five (365) days, from the date of award of the contract. No prompt payment discount is offered.

There was no discussion.

Representatives Lozano and Rojas were not present for the vote.

.....
Motion made by Representative Ortega, seconded by Representative Cobos and unanimously carried to **AWARD** Best Value Procurement Solicitation No. Solicitation No. 2005-117 Janitorial Services for City Municipal Building

Award to: Maheir Janitorial Services
El Paso, TX
Item (s): All
Amount: \$177,972.00 (estimated yearly)

Department: Fleet Service, Facilities Services
Funds available: 31010326-01101-502206
Funding source: Operating Account, City Wide Maintenance
Janitorial Contracts
Total award: \$533,916.00 (estimated)

Fleet Services Department and Purchasing recommend award as Maheir Janitorial Services has provided the Best Value Bid.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

Additionally, Maheir Janitorial Services offers a prompt payment discount of 1%10 Days.

There was no discussion.

Representatives Lozano and Rojas were not present for the vote.

.....

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-181 4 Person Tilt Cab Pumpers

Award to: First In, Inc.
El Paso, Texas
Item (s): #1A-1
Amount: \$793,398.00

Department: El Paso Fire Department
Funds available: 71150069-508029-07818-G7130CD0038 (\$396,699.00)
71150069-508029-07817-G7130CD0037 (\$396,699.00)
Funding source: Community Development Grant
Total award: \$793,398.00

The Fire, Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor is also the low responsible and responsive bidder.

This is a fixed-price, single (one-time) purchase, to purchase two (2) 4 Person Tilt Cab Pumpers. There is an option from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within three hundred and sixty-five (365) days, from the date of award of the contract. No prompt payment discount is offered.

Representative Austin asked questions of Assistant Fire Chief Manny Chavira.

Representatives Lozano and Rojas were not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **AWARD** Best Value Procurement Solicitation No. Solicitation No. 2005-158 Improvements to Veterans Park and Recreation Center

Contractor: Jan Car, Inc.
El Paso, Texas

Department: Parks and Recreation
Funds Available: 14101001-PQLPA167-60167-508027
Funding Source: Year 2000 Quality of Life Bond Issue
Items: Base Bid \$1,459,300.00
Alternate No. 1 \$ 12,000.00
Alternate No. 2 \$ 14,000.00
Alternate No. 3 \$ 12,000.00
Alternate No. 4 \$ 28,500.00
Alternate No. 5 \$ 65,700.00
Alternate No. 6 \$ 45,600.00
Alternate No. 7 \$ 21,800.00
Alternate No. 8 \$ 10,500.00
Total Award: \$1,669,400.00

The Departments of Engineering and Parks and Recreation and the Project Manager, Perspectiva 3DI recommend the award of this contract to Jan Car, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the City Manager be authorized to sign the referenced contract. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are

necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

There was no discussion.

Representatives Lozano and Rojas were not present for the vote.

.....
 Motion made by Representative Ortega, seconded by Representative Escobar and unanimously carried to **AWARD** Bid Solicitation No. 2005-126 Median Landscaping, George Dieter Dr., Montwood Dr., and Pebble Hills Blvd.

Contractor:	Accent Landscaping & Sprinklers, Inc. El Paso, Texas	
Department:	Streets	
Funds Available:	14200403-PBE04ST110-29125-508027	\$ 797,952.60
	14200403-PBE04ST110-29125-508027	\$ 20,000.00
	14200403-PBE04ST121-29136-508027	\$1,356,043.32
	14200403-PBE04ST109-29124-508027	\$ 87,651.57
	14200403-PBE04ST126-29141-508027	\$1,143,872.52
Funding Source:	2004 Bond Issue	
Items:	Base Bid I	\$ 787,452.60
	Base Bid II	\$ 846,573.32
	Base Bid III	\$ 87,651.57
	Base Bid IV	\$ 750,872.52
	Alternate No.1	\$ 469,735.00
	Alternate No.3	\$ 393,000.00
	Alternate No.4	\$ 39,735.00
	Alternate No.5	\$ 10,500.00
	Construction Allowance as Specified	\$ 20,000.00
Total Award:		\$3,405,520.01

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to Accent Landscaping & Sprinklers, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representatives Lozano and Rojas were not present for the vote.

.....

Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to **AWARD** Bid Solicitation No. Solicitation No. 2005-105 Cedar Grove Street & Drainage Improvements Phases I-IX and XI-XII

Contractor: Danny Sander Construction, Inc.

Department: Street Department

Funds Available: 14200403-PBE04ST106-29120-508027
14200403-PBE04ST107-29121-508027

Funding Source: Capital Improvement Projects

Items: Base Bid No. 1 \$ 6,159,579.50
Base Bid No. 2 \$ 780,089.00
Base Bid No. 3 \$ 549,776.00
Base Bid No. 4 \$ 577,285.00

Total Award: \$8,066,729.50

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Streets recommend that C.F. Jordan, L.P., the low bidder, be allowed to withdraw their bid without prejudice or forfeiture of their bid security.

It is further recommended that the award of this contract be to Danny Sander Construction, Inc., as they would now be the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

Representative Cushing asked questions of Mr. Byron Johnson, Director of Purchasing.

Representative Austin commented.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 770 Hempstead Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 1, Block 18, West Hills Unit Four, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 61, Page 31, Plat Records of El Paso County, Texas.

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Karen P. Smythe, Mabel S. Haith, 770 Hempstead Drive, El Paso, Texas 79912, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 26th, 2005; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is open and unsecured, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating disposal of refuse; and
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - d. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members, read the Department's recommendations into the record and responded to questions from Representatives Escobar and Austin.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution.

Representative Lozano was not present for the vote.

.....
 Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** and **CONSIDER TOGETHER** the following:

Representative Lozano was not present for the vote.

Public Hearing and discussion and action on the adoption of a Proposed 2005-2010 Consolidated Plan for the City of El Paso and a Proposed 2005-2006 Annual Action Plan, including the Proposed Budgets for the 31st Year (2005-2006) Community Development Block Grant Program Budget, the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program.

and;

Discussion and action on a Resolution that, having conducted a public hearing, the City Council hereby adopts a Proposed 2005-2010 Consolidated Plan for the City of El Paso and a Proposed 2005-2006 Annual Action Plan, including the Proposed Budgets for the 31st Year (2005-2006) Community Development Block Grant Program, the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program; and

That the City Council directs that the notice of availability of the Proposed 2005-2010 Consolidated Plan for the City of El Paso and the Proposed Budgets for the 31st Year Community Development Block Grant Program, the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program be published in the El Paso Times on Sunday, May 8, 2005, to provide the public with an opportunity to review the Proposed 2005-2010 Consolidated Plan and the Proposed Budgets, as part of the summary of the Proposed Annual Action Plan for 2005-2006, and submit comments to the City Council or the Department of Community and Human Development. The deadline for submission of written comments will be 5:00 p.m., on Wednesday, May 8, 2005. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 21, 2005, for the purpose of receiving comments from the public and adopting the 2005-2010 Consolidated Plan and the Annual Action Plan, including the 31st Year (2005-2006) Community Development Block Grant Program Budget, the FY 2005 Emergency Shelter Grant Program Budget and the FY 2005 HOME Investment Partnerships Program Budget, for submission to the U.S. Department of Housing and Urban Development.

Mayor Joe Wardy and Representatives Austin, Lozano, Cushing, Cook, Escobar, Cobos and Rojas.

The following City staff members commented:

1. Mr. Roberto A. Salinas, Director, Community and Human Development
2. Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services
3. Assistant Fire Chief Manny Chavira
4. Assistant Fire Chief Donald Marron
5. Ms. Lisa A. Elizondo, City Attorney
6. Mr. John Nance, Assistant City Attorney

The following members of the public commented:

1. Mr. Trini Acevedo, Chairman of the Community Development Block Grant Steering Committee, commented and responded to questions and/or comments of the Council.
2. Mr. Dave Gillooly, El Paso Coalition for the Homeless
3. Mr. Bill Schlesinger, Project VIDA
4. Mr. Blake Barrow, Rescue Mission of El Paso
5. Dr. Gene Finke, Rescue Mission of El Paso
6. Ms. Enriqueta Natividad
7. Mr. Basilio Valenzuela
8. Ms. Marina Rios
9. Ms. Patricia Hernandez
10. Ms. Alma Wilson
11. Mr. Ray Pedregon
12. Ms. Celia M. Ponce spoke in Spanish. (interpretation by Ms. Diana Nuñez, Deputy City Clerk).
13. Ms. Enriqueta Gonzalez spoke in Spanish. (interpretation by Ms. Diana Nuñez, Deputy City Clerk).
14. Dr. Roger Ortiz
15. Ms. Janet Bartlett
16. Ms. Andrea Engle
17. Ms. Ann Schecter, Community and Human Development Steering Committee member
18. Mr. Steven Engle

1ST MOTION:

Motion made by Representative Cushing, seconded by Representative Lozano and **NOT CARRIED TO POSTPONE ONE (1) WEEK** the public hearing and discussion and action on the adoption of a Proposed 2005-2010 Consolidated Plan for the City of El Paso and a Proposed 2005-2006 Annual Action Plan, including the Proposed Budgets for the 31st Year (2005-2006) Community Development Block Grant Program Budget, the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program.

AYES: Representatives Cushing, Lozano and Cobos

NAYS: Representatives Austin, Cook, Ortega and Rojas

NOT PRESENT FOR THE VOTE: Representatives Ortega and Escobar

2ND MOTION:

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to **CLOSE THE PUBLIC HEARING.**

Representative Escobar was not present for the vote.

3RD AND FINAL MOTION:

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **POSTPONE FOR TWO (2) WEEKS** public hearing and discussion and action on the adoption of a Proposed 2005-2010 Consolidated Plan for the City of El Paso and that portion of a Proposed 2005-2006 Annual Action Plan, which includes items #56 through #96 of the Proposed Budget for the 31st Year Community Development Block Grant Program.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, having conducted a public hearing, the City Council hereby adopts that portion of a Proposed 2005-2006 Annual Action Plan, which includes items 1 through 55 of the Proposed Budget for the 31st Year (2005-2006) Community Development Block Grant Program, together with the Proposed Budgets for the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to **APPROVE** the above Resolution as amended by Mr. John Nance, Assistant City Attorney.

See discussion on the previous public hearing.

NOTE: Resolution language was revised by Mr. John Nance, Assistant City Attorney.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to Tropicana Development Inc., land totaling approximately 117.5 acres of land out of Sections 21 & 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.

Representative Lozano was not present for the vote.
.....

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to Tropicana Development Inc., land totaling approximately 120.7 acres of land out of Section 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to EPT Land Assets, LP, Land totaling approximately 122.2 acres of land out of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to EPT Land Assets, LP, land totaling approximately 100.5 acres of land out of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the Humane Society of El Paso, Inc. which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

Representative Lozano was not present for the vote.

Mayor Joe Wardy and Representatives Austin, Cook and Lozano commented

Ms. Joyce Wilson, City Manager, commented.

.....
ORDINANCE 16032

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00001 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOTS 23 - 26, BLOCK 9, EAST EL PASO ADDITION, EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS THE EAST 20 FEET OF LOT 13, ALL OF LOT 14, AND THE SOUTH 88 FEET OF LOTS 15 AND 16, BLOCK 10, EAST EL PASO ADDITION, PURSUANT TO SECTION 20.24.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made from Representative Rojas.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representatives Austin and Lozano were not present for the vote.

.....
ORDINANCE 16033

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO KEITH MAHAR TO TEMPORARILY CLOSE A PORTION OF MILLS AVENUE BETWEEN STANTON STREET AND KANSAS STREET ON SATURDAY, APRIL 30, 2005 AND SUNDAY, MAY 1, 2005 FOR "THE FIRST ANNUAL DOWNTOWN SPORTS BAR & GRILL BLOCK PARTY"**.

Mr. Keith Mahar, owner of the Downtown Sports Bar & Grill, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representatives Lozano and Ortega were not present for the vote.

.....
ORDINANCE 16034

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE BY AMENDING CHAPTERS 19.16 (IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES) SECTION 19.16.020 (STREETS) SUBSECTION 19.16.020.P (VEHICULAR ACCESS) TO PROVIDE CERTAIN ASSURANCES TO A SUBDIVIDER WHO HAS OFFERED TO DEDICATE MORE LAND THAN THE CITY IS WILLING TO ACCEPT. THE PENALTY IS AS PROVIDED IN SECTION 19.04.190 OF THE CODE.**

The following City staff members commented:

1. Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services
2. Mr. Matt Watson, Assistant City Attorney

Mr. Richard Schechter, citizen, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representatives Lozano and Ortega were not present for the vote.

.....
ORDINANCE 16035

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE AUTHORIZING THE TEMPORARY CLOSURE OF SAN ANTONIO STREET BETWEEN STANTON STREET AND KANSAS STREET IN FRONT OF CALENDAR PARK FOR A CITY SPONSORED DOWNTOWN "GONE TO LUNCH" CONCERT SERIES AND EVENTS ON APRIL 29, 2005, MAY 6, 2005, MAY 13, 2005, MAY 20, 2005, MAY 27, 2005 AND JUNE 3, 2005.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Rojas, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Members Lozano and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representatives Lozano and Ortega were not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the City Manager's report of current events and issues:

Quarterly Financial Report, 2nd Quarter, to Council and preliminary revenue projections for Fiscal Year 2005/2006 and update on the budget process for FY 2006.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **APPOINT** Frederic Dalbin to the Building Board of Appeals, as an alternate appointee, by Representative Robert A. Cushing, Jr., District 2.

Representative Lozano was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **DELETE** the discussion and action to direct that the City Attorney include in negotiations for engagement of Baron and Budd that Baron and Budd provide such written assurances as the City Attorney deems appropriate regarding any possible conflict of interest between the City and existing clients of Baron and Budd, or between such existing clients and the ASARCO trust fund currently being administered by the Department of Justice, the Environmental Protection Agency, and a Trustee for such fund.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **DELETE** the discussion and action to direct that the City Attorney review with City Council any petition commencing legal action regarding the El Paso metals site prior to authorizing Barron and Budd to file such petition.

Representative Lozano was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **DELETE** the discussion and action to direct that the City Attorney review with City Council the qualifications of any local counsel to represent the City along with Baron and Budd prior to authorizing engagement of such local counsel.

Representative Lozano was not present for the vote.

.....
Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:52 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **ADJOURN** the Executive Session and **RECONVENE** the meeting of the City Council at 11:20 a.m., during which time motion was made.

Item: Discussion and Action regarding the Texas Department of Housing and Community Affairs compliance with state regulations to grant funding to the Cedar Oak Townhomes Development located at 1480 Cedar Oak Dr. (551.071)

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to **DIRECT** the City Attorney's Office to look at all legal options to stop this project and report back to Council in one (1) week.

See discussion on pages 23 and 24.

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Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:34 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Ortega was not present for the vote.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

32A. *Frank Lopez, et. al. vs. City of El Paso*; Cause No. EP-05-CA-0009-FM in the United States District Court for the Western District of Texas. (551.071)

ADDN 3. *Rolando Parra, et al vs. Officer C. Jones, et al*; Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **ADJOURN** the Executive Session and **RECONVENE** the meeting of the City Council at 3:00 p.m., during which time motions were made.

Representatives Cushing, Lozano and Ortega were not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED THE MODIFIED SETTLEMENT AUTHORITY** and **INSTRUCTED TO PROCEED** as described by City Council in executive session in the case styled *Frank Lopez, et al vs. City of El Paso, et. al.*; Cause No. EP-05-CA-0009-FM in the United States District Court for the Western District of Texas and to **AUTHORIZE** the City Attorney or her designee to execute all documents necessary to effectuate that authority.

Mr. Jim Martinez, Assistant City Attorney, read the proposed motion into the record.

AYES: Representatives Cook, Escobar and Cobos

NAYS: Representatives Austin and Rojas

NOT PRESENT FOR THE VOTE: Representatives Cushing, Lozano and Ortega

The Motion passed 3-2.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Attorney be **AUTHORIZED THE SETTLEMENT AUTHORITY** requested by the office of the City Attorney and to **PROCEED AS RECOMMENDED** in the case styled *Rolando Parra et. al. vs. Officer C. Jones, et. al.*; Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas and to **AUTHORIZE** the City Attorney or her designee to execute all documents necessary to effectuate that authority.

Mr. Jim Martinez, Assistant City Attorney, read the proposed motion into the record.

Representatives Cushing, Lozano and Ortega were not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 3:03 p.m.

Representatives Cushing, Lozano and Ortega were not present for the vote.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk